

Senate Bill No. 362

CHAPTER 268

An act to amend Sections 462 and 10253 of the Health and Safety Code, and to repeal Section 9 of Chapter 453 of the Statutes of 1974, relating to sudden infant death syndrome.

[Approved by Governor July 29, 1991. Filed with
Secretary of State July 29, 1991.]

LEGISLATIVE COUNSEL'S DIGEST

SB 362, Boatwright. Sudden infant death syndrome.

Existing law requires, upon being informed by the coroner of any case in which sudden infant death syndrome is the provisional cause of death, the county health officer or his or her designated agent to immediately contact the person or persons who had custody and control of the infant and explain to those persons the nature and causes of sudden infant death syndrome to the extent that current knowledge permits.

This bill would require the local health officer, as defined, or his or her designated agent who is an appropriately trained public health professional, as defined, when possible, to immediately contact the person or persons who had custody and control of the infant, including foster parents, when applicable, for the purposes of providing to that person information, support, referral, and followup services relating to sudden infant death syndrome, as prescribed. This bill would make conforming changes to a related provision. If the infant was in child care, the bill also would require the local health officer or his or her designated agent who is an appropriately trained public health professional to immediately contact the child care provider. This bill would create a state-mandated local program by imposing additional duties on local health officers.

This bill would repeal an uncoded provision of law which appropriated \$17,550 for payments to local agencies until June 30, 1976, for certain costs, including costs incurred in making the above-described contacts related to sudden infant death syndrome.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed

\$1,000,000, shall be made from the State Mandates Claims Fund.

The people of the State of California do enact as follows:

SECTION 1. Section 462 of the Health and Safety Code is amended to read:

462. (a) For purposes of this section the following definitions shall apply:

(1) "Appropriately trained public health professional" means a public health nurse or a social worker who is knowledgeable about the incidence of sudden infant death syndrome and the care and support of persons who have experienced a death of this nature, and who has basic grief counseling skills.

(2) "Contact" is a face-to-face visit, a group visit, or a telephone call which provides one or more of the following services:

(A) An assessment of the family, child care provider, or both.

(B) Crisis intervention and counseling.

(C) A referral to a community service.

(D) A followup assessment of the family's, the child care provider's, or both family's and child care provider's progress.

(3) "Immediately" means within three working days of receiving notice from the coroner or other reporting agent of a death presumed caused by sudden infant death syndrome.

(4) "Local health officer" means a health officer for a city, county, or city and county.

(b) Upon being informed by the coroner pursuant to Section 10253 of any case in which sudden infant death syndrome is the presumed cause of death, the local health officer or his or her designated agent, who is an appropriately trained public health professional, after consultation with the infant's physician of record, when possible, shall immediately contact the person or persons who had custody and control of the infant, including foster parents, when applicable, for the purposes of providing to that person information, support, referral, and followup services relating to sudden infant death syndrome. If the infant was in child care, the local health officer or his or her designated agent who is an appropriately trained public health professional also shall immediately contact the child care provider.

(c) The local health officer shall perform the duties required by this section throughout the jurisdiction of that local health officer.

SEC. 2. Section 10253 of the Health and Safety Code is amended to read:

10253. In any case involving an infant under the age of one year where the gross autopsy results in a presumed diagnosis of sudden infant death syndrome, the coroner shall, within 24 hours of the gross autopsy, notify the local health officer, as defined in Section 462.

SEC. 3. Section 9 of Chapter 453 of the Statutes of 1974 is repealed.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.